

**SUBCHAPTER C : ADDITIONAL APPLICATION, OPERATION, AND
LICENSE REQUIREMENTS**

§§336.201, 336.203, 336.205, 336.207, 336.209-336.211,
336.213, 336.215, 336.217, 336.219
Effective June 5, 1997

§336.201. Additional Application Requirements.

(a) Unless otherwise specified, an application for a license under this chapter shall be filed and processed according to the rules of the commission. Information provided by an applicant for a license shall be complete and accurate.

(b) An application for a license may include a request for a license authorizing one or more activities provided the application specifies the additional activities for which licenses are requested and complies with commission rules as to applications for those licenses. The commission may require the issuance of separate specific licenses for those activities.

(c) The commission or executive director may at any time after the filing of the original application, and before the expiration of the license, require further statements or data to enable the commission to determine whether the application should be granted or denied or whether a license should be modified or revoked.

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§336.203. Environmental Analysis.

(a) When the executive director is considering an application under Subchapter G of Chapter 336 of this title (relating Licensing Requirements for Source Material (Uranium or Thorium) Recovery and Processing Facilities) and determines that the licensed activity may have a significant impact on the human environment, the executive director shall prepare or have prepared a written environmental analysis.

(b) When the executive director is considering an application under Subchapter H of Chapter 336 of this title (relating to Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste) and determines that the licensed activity may have a significant effect on the human environment, the executive director shall prepare or have prepared a written analysis of the effect on the environment.

(c) An environmental analysis, if prepared, shall be included as part of the record of the commission's proceedings.

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§336.205. Transfer of Radioactive Material.

(a) The licensee shall not transfer source material, byproduct material, or other licensed radioactive material except as authorized under the rules in this subchapter.

(b) Except as otherwise provided in the license and subject to the provisions of subsections (c) and (d) of this section, a licensee may transfer source material, byproduct material, or other licensed radioactive material:

(1) to the executive director (A licensee may transfer material to the executive director only after receiving prior approval from the executive director. If the material to be transferred is special nuclear material, the quantity must not be sufficient to form a critical mass.);

(2) to the United States Department of Energy;

(3) to any person exempt from the licensing requirements of the Texas Radiation Control Act and the rules in this chapter or exempt from the licensing requirements of the United States Nuclear Regulatory Commission or an Agreement State, to the extent permitted by these exemptions;

(4) to any person authorized to receive this material under terms of a specific license or a general license or its equivalent issued by the commission, the Texas Department of Health, the United States Nuclear Regulatory Commission, or any Agreement State or to any person otherwise authorized to receive this material by the federal government or any agency thereof, the commission, the Texas Department of Health, or any Agreement State; or

(5) as otherwise authorized by the commission in writing.

(c) Before transferring source material, byproduct material, or other radioactive material to a specific licensee of the commission, the Texas Department of Health, the United States Nuclear Regulatory Commission, or an Agreement State or to a general licensee who is required to register with the Texas Department of Health, the United States Nuclear Regulatory Commission, or an Agreement State prior to receipt of the source material, byproduct material, or other radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

(d) The following methods for the verification required by subsection (c) of this section are acceptable:

(1) The transferor may possess and have read a current copy of the transferee's specific license or certificate of registration;

(2) The transferor may possess a written certification by the transferee that the transferee is authorized by the license or certificate of registration to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or certificate of registration number, issuing agency, and expiration date;

(3) For emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or certificate of registration to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or certificate of registration number, issuing agency, and expiration date, provided that the oral certification is confirmed in writing within 10 days;

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the commission, the Texas Department of Health, the United States Nuclear Regulatory Commission, or an Agreement State as to the identity of licensees and registrants and the scope and expiration dates of licenses and registrations; or

(5) When none of the methods of verification described in paragraphs (1) - (4) of this subsection are readily available or when a transferor desires to verify that information received by one of these methods is correct or up-to-date, the transferor may obtain and record confirmation from the commission, the Texas Department of Health, the United States Nuclear Regulatory Commission, or an Agreement State that the transferee is licensed to receive the source material, byproduct material, or other radioactive material.

(e) Transportation of radioactive material may also be subject to applicable rules of the United States Department of Transportation, United States Postal Service, United States Nuclear Regulatory Commission, or Texas Department of Health.

(f) The licensee shall keep records showing the transfer of any source material, byproduct material, or other radioactive material.

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§336.207. Preparation of Radioactive Material for Transport.

(a) No licensee may deliver any source material, byproduct material, or other licensed radioactive material to a carrier for transport, unless:

(1) The licensee complies with the applicable requirements of the rules, appropriate to the mode of transport, of the United States Department of Transportation insofar as those rules relate to the packing of radioactive material and to the monitoring, marking, and labeling of those packages or containers;

(2) The licensee has established procedures for opening and closing packages and containers in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package or container is properly closed for transport; and

(3) Prior to delivery of a package or container to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package or container are sent to or have been made available to the consignee.

(b) For the purpose of subsection (a) of this section, licensees who transport their own licensed material as private carriers are considered to have delivered the material to a carrier for transport.

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§336.209. Records and Reports.

(a) Each licensee shall maintain records showing the receipt, transfer, and disposal of all source material, byproduct material, or other licensed radioactive material. Each licensee shall also maintain any records and make any reports as may be required by the conditions of the license, by the rules in this chapter, or by orders of the commission. Copies of any records or reports required by the license, rules, or orders shall be submitted to the executive director or commission on request. All records and reports required by the license, rules, or orders shall be complete and accurate.

(b) The licensee shall retain each record that is required by the rules in this chapter or by license conditions for the period specified by the appropriate rule or license condition. If a retention period is not otherwise specified, each record shall be maintained until the commission terminates each pertinent license requiring the record.

(c) If there is a conflict between the commission's rules, license condition, or other written approval or authorization from the executive director pertaining to the retention period for the same type of record, the longest retention period specified takes precedence.

(d) Each record required by this chapter shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(e) For licenses issued under Subchapter G of Chapter 336 of this title (relating to Licensing Requirements for Source Material (Uranium or Thorium) Recovery and Processing Facilities), each licensee shall submit a report to the executive director within 60 days after January 1 and July 1 of each year specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 6 months of operation, and other information the executive director may require to estimate maximum potential annual radiation doses to the public resulting from effluent releases. If quantities of radioactive materials released during the reporting period are significantly above the licensee's design objectives previously reviewed as part of the licensing action, the report shall cover this specifically. On the basis of those reports and any additional information the executive director may obtain from the licensee or others, the executive director or commission may from time to time require the licensee to take such action as the executive director or commission deems appropriate.

(f) The requirements of this section do not apply to licenses issued under Subchapter H of Chapter 336 of this title (relating to Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste).

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§336.210. Complaints.

(a) The executive director shall keep an information file concerning each complaint filed relating to a person licensed by the commission.

(b) Written complaints shall be handled by the executive director in accordance with Health and Safety Code §401.392.

(c) If a written complaint is filed relating to a license not covered by subsection (b) of this section, the executive director at least as frequently as quarterly and until final disposition of the complaint shall notify parties to the complaint of the status of the complaint unless notice would jeopardize an undercover investigation.

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§336.211. Reporting Requirements for Incidents.

(a) This subsection sets forth the incident reporting requirements for licenses issued under Subchapter F of Chapter 336 of this title (relating to Licensing of Alternative Methods of Disposal of Radioactive Material).

(1) Immediate report. Each licensee shall notify the executive director or staff as soon as possible but not later than 4 hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of radioactive materials that could exceed regulatory limits (e.g., events may include fires, explosions, toxic gas releases, etc.).

(2) Twenty-four hour report. Each licensee shall notify the executive director or staff within 24 hours after the discovery of any of the following events involving licensed material:

(A) an unplanned contamination event that:

(i) requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) involves a quantity of material greater than five times the lowest annual limit on intake specified in §336.359, Appendix B, of this title (relating to Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sanitary Sewerage); and

(iii) has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination;

(B) an event in which equipment is disabled or fails to function as designed when:

(i) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(ii) the equipment is required to be available and operable when it is disabled or fails to function; and

(iii) no redundant equipment is available and operable to perform the required safety function;

(C) an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(D) an unplanned fire or explosion damaging any radioactive material or any device, container, or equipment containing radioactive material when:

(i) the quantity of material involved is greater than five times the lowest annual limit on intake specified in §336.359, Appendix B, of this title; and

(ii) the damage affects the integrity of the radioactive material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of this section must be made as follows:

(A) Telephone report. Licensees shall make reports required by paragraphs (1) and (2) of this subsection by telephone to the executive director or staff. To the extent that the information is available at the time of notification, the information provided in these reports must include:

(i) the caller's name and telephone number;

(ii) a description of the event, including date and time;

(iii) the exact location of the event;

(iv) the isotopes, quantities, and chemical and physical form of the radioactive material involved; and

(v) any personnel radiation exposure data available.

(B) Written report. Each licensee who makes a report required by paragraphs (1) and (2) of this subsection shall submit a written follow-up report to the executive director within 30 days of the initial report. Written reports prepared under other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information. These written reports must be sent to the executive director or staff. The reports must include the following:

(i) a description of the event, including the probable cause and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;

(ii) the exact location of the event;

(iii) the isotopes, quantities, and chemical and physical form of the radioactive material involved;

(iv) date and time of the event;

(v) corrective actions taken or planned and the results of any evaluations or assessments; and

(vi) the extent of exposure of individuals to radiation or to radioactive materials without identification of individuals by name.

(b) This subsection sets forth the incident reporting requirements for licenses issued under Subchapter G of Chapter 336 of this title (relating to Licensing Requirements for Source Material (Uranium or Thorium) Recovery and Processing Facilities).

(1) Immediate report. Each licensee shall notify the executive director or staff as soon as possible but not later than 4 hours after the discovery of:

(A) any failure in a tailings or waste retention system which results in a release of tailings or waste into unrestricted areas or of any unusual conditions which if not corrected could indicate the potential for or lead to failure of the system and result in a release of tailings or waste into unrestricted areas;

(B) any release of radioactive material which exceeds the concentrations for water listed in §336.359, Appendix B, Table II, Column 2, of this title and which extends beyond the licensed boundary;

(C) any spill which exceeds 20,000 gallons and which exceeds the concentrations for water listed in §336.359, Appendix B, Table II, Column 2, of this title;

(D) any release of solids which exceeds the contamination limits in §336.356 of this title (relating to Soil and Vegetation Contamination Limits) and which extends beyond the licensed boundary; or

(E) an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed materials that could exceed regulatory limits (e.g., events may include fires, explosions, toxic gas releases, etc.).

(2) Twenty-four hour report. Each licensee shall notify the executive director or staff within 24 hours after the discovery of any of the following events involving licensed material:

(A) any spill that extends:

(i) beyond the wellfield monitor well ring;

(ii) more than 400 feet from an injection or production well pipe artery to or from a recovery plant; or

(iii) more than 200 feet from a recovery plant;

(B) any spill which exceeds 2,000 gallons and which exceeds the concentrations for water listed in §336.359, Appendix B, Table II, Column 2, of this title;

(C) an unplanned contamination event that:

(i) requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) involves a quantity of material greater than five times the lowest annual limit on intake specified in §336.359, Appendix B, of this title; and

(iii) has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination;

(D) an event in which equipment is disabled or fails to function as designed when:

(i) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(ii) the equipment is required to be available and operable when it is disabled or fails to function; and

(iii) no redundant equipment is available and operable to perform the required safety function;

(E) an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(F) an unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

(i) the quantity of material involved is greater than five times the lowest annual limit on intake specified in §336.359, Appendix B, of this title; and

(ii) the damage affects the integrity of the licensed material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of this section must be made as follows:

(A) Telephone report. Licensees shall make reports required by paragraphs (1) and (2) of this subsection by telephone to the executive director or staff. To the extent that the information is available at the time of notification, the information provided in these reports must include:

- (i) the caller's name and telephone number;
- (ii) a description of the event, including date and time;
- (iii) the exact location of the event;
- (iv) the isotopes, quantities, and chemical and physical form of the licensed material involved; and
- (v) any personnel radiation exposure data available.

(B) Written report. Each licensee who makes a report required by paragraphs (1) and (2) of this subsection shall submit a written follow-up report to the executive director within 30 days of the initial report. Written reports prepared under other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information. The reports must include the following:

- (i) a description of the event, including the probable cause and the manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;
- (ii) the exact location of the event;
- (iii) the isotopes, quantities, and chemical and physical form of the licensed material involved;
- (iv) date and time of the event;
- (v) corrective actions taken or planned and the results of any evaluations or assessments; and
- (vi) the extent of exposure of individuals to radiation or to radioactive materials without identification of individuals by name.

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§336.213. Tests.

(a) Each licensee shall perform, upon instructions from the executive director, or shall permit the executive director to perform such reasonable tests as the executive director deems appropriate or necessary for the administration of the rules in this chapter, including, but not limited to, tests of:

- (1) source material, byproduct material, or other licensed radioactive material;

(2) facilities where these materials are used, stored, or disposed;

(3) radiation detection and monitoring instruments; and

(4) other equipment and devices used in connection with utilization, storage, or disposal of source material, byproduct material, or other licensed radioactive material.

(b) The requirements of this section do not apply to licenses issued under Subchapter H of Chapter 336 of this title (relating to Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste).

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§336.215. Inspections.

(a) Each licensee shall afford the executive director, at all reasonable times, opportunity to inspect source material, byproduct material, or other licensed radioactive material, and the premises and facilities where these materials are used, stored, or disposed.

(b) Each licensee shall make available to the executive director for inspection, upon reasonable notice, records or reports maintained under the rules of this chapter, the conditions of the license, or orders of the commission. Authorized representatives of the executive director may copy and take away copies of, for the executive director's use, any record or report required to be kept under the rules of this chapter, the conditions of the license, or orders of the commission.

(c) The requirements of this section do not apply to licenses issued under Subchapter H of Chapter 336 of this title (relating to Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste).

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§336.217. Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas.

(a) Each license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal in accordance with the application requirements specified in the appropriate subchapter of this chapter not less than 30 days before the expiration date stated in the existing license. If an application for renewal in proper form has been filed at least 30 days prior to the expiration date stated in the existing license, the existing license shall not expire until the application has been finally determined by the commission. The existing license expires at the end of the day on which the commission makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

(b) Each license revoked by the commission expires at the end of the day on the date of the commission's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by commission order.

(c) Each license continues in effect, beyond the expiration date if necessary, with respect to possession of source material, byproduct material, or other radioactive material until the commission notifies the licensee in writing that the license is terminated. During this time, the licensee shall:

(1) limit actions involving source material, byproduct material, or other radioactive material to those related to decommissioning; and

(2) continue to control entry to restricted areas until they are suitable for release in accordance with commission requirements.

(d) Within 60 days of the occurrence of any of the following, each licensee shall provide written notification to the executive director:

(1) The license has expired under subsection (a) or (b) of this section; or

(2) The licensee has decided to permanently cease principal activities at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with commission requirements; or

(3) No principal activities under the license have been conducted for a period of 24 months; or

(4) No principal activities have been conducted for a period of 24 months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with commission requirements.

(e) The licensee shall either:

(1) begin, within 60 days of the occurrence for which notification is required by subsection (d) of this section, decommissioning its site, or any separate building or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in accordance with commission requirements; or

(2) submit to the executive director, within 12 months of the notification required by subsection (d) of this section, a decommissioning plan, if required by subsection (h)(1) of this section, and begin decommissioning upon approval of that plan by the commission by license amendment.

(f) The licensee shall follow a commission-approved closure plan for decontamination, decommissioning, restoration, and reclamation of buildings and the site.

(1) For licenses issued under Subchapter F of Chapter 336 of this title (relating to Licensing of Alternative Methods of Disposal of Radioactive Material), coincident with the notification required by subsection (d) of this section, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee under §336.514 of this title (relating to Financial Assurance and Recordkeeping for Decommissioning) in conjunction with a license issuance or renewal or as required by this section. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the

detailed cost estimate for decommissioning established under subsection (h)(4)(E) of this section. Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so on or before January 1, 1998. Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the executive director.

(2) For licenses under Subchapter G of Chapter 336 of this title (relating to Licensing Requirements for Source Material (Uranium or Thorium) Recovery and Processing Facilities), in addition to the provisions of subsection (e) of this section, each licensee shall submit an updated closure plan to the executive director within 12 months of the notification required by subsection (d) of this section. The updated closure plan shall meet the requirements of §336.605(5) of this title (relating to Special Requirements for Issuance of a License) and §336.627 of this title (relating to Financial Assurance Requirements). The updated closure plan shall describe the actual conditions of the facilities and site and the proposed closure activities and procedures.

(3) For licenses under Subchapter G of Chapter 336 of this title, if a detailed decommissioning plan is required under subsection (h)(1) of this section, it may be included in the closure plan required by paragraph (2) of this subsection. The detailed reclamation plan for tailings and waste disposal sites which is required by §336.622 of this title (relating to Closure Completion Milestones and Schedule) may be submitted separately or incorporated into the closure plan required by paragraph (2) of this subsection. The proposed closure plan required by paragraph (2) of this subsection may be approved by the commission by license amendment.

(g) The executive director may grant in writing a request to extend the time periods established in subsections (d) and (e) of this section, or to delay or postpone the decommissioning process, if the executive director determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than 30 days before notification under subsection (d) of this section. The schedule for decommissioning set forth in subsection (e) of this section may not commence until the executive director has made a determination on the request.

(h) Decommissioning planning is required, as applicable.

(1) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the commission and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:

(A) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;

(B) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;

(C) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or

(D) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

(2) The executive director may approve an alternate schedule for submittal of a decommissioning plan required under subsection (e)(2) of this section if the executive director determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

(3) The procedures listed in paragraph (1) of this subsection may not be carried out prior to approval of the decommissioning plan by the commission by license amendment.

(4) The proposed decommissioning plan for the site or separate building or outdoor area shall include:

(A) a description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(B) a description of planned decommissioning activities;

(C) a description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(D) a description of the planned final radiation survey;

(E) an updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning; and

(F) for decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, a justification for the delay based on the criteria in subsection (j) of this section.

(5) The proposed decommissioning plan may be approved by the commission by license amendment if the information demonstrates that the decommissioning will be completed as soon as practicable and that the health and safety of workers and the public will be protected.

(i) Decommissioning must be completed in a timely fashion.

(1) Except as provided in subsection (j) of this section, the licensee shall complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than 24 months following the initiation of decommissioning.

(2) Except as provided in subsection (j) of this section, when decommissioning involves the entire site, the licensee shall request license termination as the final step in decommissioning, which shall be as soon as practicable but no later than 24 months following the initiation of decommissioning.

(j) The commission may approve by license amendment a request for an alternate schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the commission determines that the alternative is warranted by consideration of the following:

(1) whether it is technically feasible to complete decommissioning within the allotted 24-month period;

(2) whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24-month period;

(3) whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(4) whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(5) other site-specific factors which the commission may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, groundwater treatment activities, monitored natural groundwater restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

(k) As the final steps in decommissioning, the licensee shall:

(1) certify the disposition of all licensed material, including accumulated wastes;

(2) conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey unless the licensee demonstrates that the premises are suitable for release in some other manner. The licensee shall as appropriate:

(A) report levels of gamma radiation in units of microroentgens (millisieverts) per hour at 1 meter from surfaces, and report levels of radioactivity (removable and fixed), including alpha and beta, in units of disintegrations per minute or microcuries (megabecquerels) per 100 square centimeters for surfaces, microcuries (megabecquerels) per milliliter for water, and picocuries (becquerels) per gram for solids such as soils or concrete; and

(B) specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested; and

(3) Submit a request for license termination, which includes, but is not limited to, the information required by paragraphs (1) and (2) of this subsection.

(l) Licenses, including expired licenses, will be terminated by the commission by written notice to the licensee when the executive director determines that:

(1) Source material, byproduct material, and other radioactive material has been properly disposed;

(2) Reasonable effort has been made to eliminate residual radioactive contamination, if present;

(3) The site is suitable for release.

(A) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with commission requirements; or

(B) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with commission requirements;

(4) The licensee has paid any outstanding fees required by Subchapter B of Chapter 336 of this title (relating to Radioactive Substance Fees) and has resolved any outstanding notice(s) of violation issued to the licensee;

(5) For licenses under Subchapter G of Chapter 336 of this title, the licensee has met the applicable technical and other requirements for closure and reclamation of a tailings or waste disposal site; and

(6) For licenses under Subchapter G of Chapter 336 of this title, the United States Nuclear Regulatory Commission has made a determination that all applicable standards and requirements have been met.

(m) For licenses under Subchapter G of Chapter 336 of this title, licenses for uranium or thorium milling are exempt from subsections (d)(4), (h)(4), and (i) of this section with respect to reclamation of tailings impoundments and/or waste disposal areas. Timely reclamation plans for tailings and byproduct material disposal areas must be submitted and approved in accordance with §336.622 of this title.

(n) The requirements of this section do not apply to licenses issued under Subchapter H of Chapter 336 of this title (relating to Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste).

(o) A licensee may request that a subsite or a portion of a licensed area be released for unrestricted use before full license termination as long as release of the area of concern will not adversely impact the remaining unaffected areas and will not be recontaminated by ongoing authorized activities. When the licensee is confident that the area of concern will be acceptable to the state for release for unrestricted use, a written request for release for unrestricted use and agency confirmation of close-out work performed must be submitted to the executive director. The request should include a comprehensive report, accompanied by survey and sample results which show contamination is less than the limits specified in §336.356 of this title (relating to Soil and Vegetation Contamination Limits), and an explanation of how ongoing authorized activities will not adversely affect the area proposed to be released. Upon confirmation by the executive director that the area of concern is indeed releasable for unrestricted use, the licensee may apply for a license amendment, if required.

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Effective June 5, 1997

§336.219. Notice of Bankruptcy.

(a) Each licensee shall notify the executive director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 U.S.C.) by or against:

(1) the licensee;

(2) an entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(3) an affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(b) This notification must indicate:

(1) the bankruptcy court in which the petition for bankruptcy was filed; and

(2) the date of filing of the petition.

Adopted May 14, 1997

Effective June 5, 1997